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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/517,338
Applicant : Sven Ole WARNAAR
Filed : December 9, 2004
TC/A.U. : 1642
Examiner : Catherine Joyce

Docket No. : 2923-672
Customer No. : 6449
Confirmation No.: 2944

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 18, 2006

Dear Sir:

In response to the Restriction Requirement mailed July 19, 2006, the applicants hereby elect Group II, namely a method for the treatment of cancer comprising co-administering an anti-tumor antibody and a cytokine to a subject in need thereof, wherein the cytokine is an interferon. This election is with traverse, as it is believed that the claims are properly linked by a special technical feature.

Enclosed is a copy of the publication by Mulders and deMulder. Only in the abstract and in the last paragraph "Conclusions", a combination therapy of mAb and cytokines is mentioned in this document with this statement being rather speculative as concrete information thereon is missing. Mulders and deMulder rather describe the connection of G250 antibodies and RCC as well as the applicability of a G250 antibody for therapy and diagnosis. A cytokine therapy is described as an alternative approach (see page 46, section "Treatment Options for Adjuvant Immunotherapy in RCC"). Combination therapies

are also mentioned in this section as well as on page 47, sixth paragraph. However, only information regarding a combination of cytokines (IL-2, INF- α) with 5-FU, retinole acid or tumor-infiltrating lymphocytes is provided. Thus it appears that the document Mulders does not disclose a combination therapy of an anti-MN antibody and a cytokine, at least not in an enabled form.

In view of the above, it is believed in order to withdraw the restriction requirement between Groups I and II, and such action is requested.

In response to the Election of Species requirement, the applicants hereby elect a substantially constant dose for the cytokine administration during treatment.

Early and favorable action on the merits is awaited.

Respectfully submitted,

By



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RBM/cb
Enclosure